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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 14 January 1972

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1. [] Delivered to the offices of Senators Vance Hartke (D., Ind.), Hubert H. Humphrey (D., Minn.), George S. McGovern (D., S. Dak.), John Sherman Cooper (R., Ky.), Edmund S. Muskie (D., Maine), Mike Mansfield, (D., Mont.), J. W. Fulbright (D., Ark.), and Representatives Lester L. Wolff (D., N. Y.), Les Aspin (D., Wis.), and G. V. Montgomery (D., Miss.) []

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2. [] Miss Abelman, in the office of Senator Jacob K. Javits, called to set up an appointment for me and Mr. [] with the Senator regarding S. 2515 (Equal Employment Enforcement Act) for Tuesday, 18 January 1972 at 2:10 p.m.

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3. [] Accompanied Dave Brandwein and [] FMSAC, to a briefing of James Gehrig and Charles Lombard, Senate Aeronautical and Space Sciences Committee staff, on the status of Soviet space programs. The briefing served the dual purpose of briefing Lombard on the developments of Soviet space programs and of bringing Gehrig up-to-date on activities since our last briefing.

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4. [] Talked to [] regarding conversations between representatives of ISA and OER on the application to CIA of the Symington amendment on Cambodia in the Foreign Aid bill. I suggested that since State Department would benefit by following the interpretation which we placed on this amendment it would be worth checking with State to ascertain their position on this. Mr. [] said he would take the matter up with [] with a view to [] raising the question with his counterpart in State Department.

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(e) Any civil action brought under subsection (a) and any proceedings brought under subsection (d) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(f) In any action or proceeding under this section, the court, in its discretion, may allow the prevailing plaintiff a reasonable attorney's fee as part of the costs.

EFFECTIVE DATE

Sec. 716. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to the title.

NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

Sec. 717.¹ (a) All personnel actions affecting employees or applicants for employment in the competitive service (as defined in section 2102 of title 5 of the United States Code) or employees or applicants for employment in positions with the District of Columbia government covered by the Civil Service Retirement Act shall be made free from any discrimination based on race, color, religion, sex, or national origin.

(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: Provided, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

(c) Within thirty days of receipt of notice given under subsection (b), the employee or applicant for employment, if aggrieved by the final disposition of his complaint, may file a civil action as provided in section 715, in which civil action the head of the executive depart-

¹ Effective 6 months after date of enactment.

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unity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of labor organizations, and employment agencies who will be referred to by this title.

In the performance of their responsibilities under this Act, the Attorney General, the Chairman of the Civil Service Commission, the Chairman of the Equal Employment Opportunity Commission, and the Chairman of the General Accounting Office shall consult regarding their rules, regulations and policies.

NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of Title 5 United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of Title 5, United States Code (including employees and applicants for employment who are paid from non-appropriated funds), in the United States Postal Service and the Postal Rate Commission in those units of the Government of the District of Columbia having positions in the competitive service, and in the legislative and judicial branches of the Federal Government having positions in the competitive service, shall be free from any discrimination based on race, color, religion, sex, or national origin.

(b) The Civil Service Commission shall have authority to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement of hiring of employees with or without back pay, as may be necessary to effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in section 717 (a) shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency and unit shall include, but not be limited to—

(1) provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and